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Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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A treaty banning the production of fissile material for nuclear weapons or other nuclear-explosive devices as the next logical multilateral instrument to be negotiated for the cessation of the nuclear arms race and nuclear disarmament in accordance with article VI of the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper submitted by the European Union

The European Union (EU) recalls that both decision no. 2 of the 1995 Extension and Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the Final Document of the 2000 NPT Review Conference call for the immediate commencement in the Conference on Disarmament of negotiations on a Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices (FMCT) as one of the important measures to implement article VI of the NPT.

The EU attaches a clear priority to the negotiation, without preconditions, in the Conference on Disarmament, on an FMCT, including verification provisions as a means to strengthen disarmament and non-proliferation. It is a priority that is ripe for negotiation, as demonstrated, inter alia, by the encouraging and interactive debates in the Conference on Disarmament on the issue during the past three years. The EU welcomes and is encouraged by the recent joint statement made by Presidents Obama and Medvedev in support of "international negotiations for a verifiable treaty to end the production of fissile materials for nuclear weapons".

The negotiations on an FMCT are overdue. The EU is convinced that an FMCT, by banning the production of fissile material for nuclear weapons or other nuclear explosive devices, will constitute a significant achievement in nuclear disarmament efforts, in accordance with article VI of the NPT. Logically, an FMCT constitutes the next multilateral instrument to be negotiated in the nuclear disarmament field. It would thus complement the NPT and the Comprehensive Nuclear-Test-Ban Treaty (CTBT). It would certainly strengthen nuclear disarmament, as it would contribute to making the trend of nuclear weapons reductions irreversible. Without the availability of additional fissile material for nuclear weapons or other nuclear explosive devices it would be impossible to

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increase existing stocks of fissile material for such purposes. It would be an essential and concrete contribution to completing nuclear disarmament, in accordance with article VI of the NPT, by creating some of the elements necessary for the fulfilment of the final objective enshrined in article VI of the Treaty.

The EU is convinced that the strengthening of the NPT regime is achievable through a balanced and gradual approach to its three mutually reinforcing pillars: non-proliferation, disarmament and the peaceful uses of nuclear energy. An FMCT including verification provisions would fulfil an important objective of the 1995 Principles and Objectives and the 2000 Final Document and would instil a new momentum in the overall process of disarmament by creating a single norm applicable to all. It would reinforce the non-proliferation provisions of the NPT (articles I and II) and strengthen the international non-proliferation regime as a whole by applying also to States not parties to the NPT. Such an FMCT would also have beneficial consequences beyond those that directly pertain to nuclear non-proliferation and disarmament, such as contributing to regional stability, in particular in South Asia, the Korean peninsula and the Middle East. It could also reduce the risk of theft or diversion of fissile material to terrorist groups or activities. This last consideration is increasingly pertinent in today's security environment, where the risk of nuclear terrorism has become a global challenge.

The EU reiterates the need for an immediate commencement of FMCT negotiations in the Conference on Disarmament without preconditions. Pending the entry into force of an FMCT, the EU calls on all States concerned to declare and uphold a moratorium on the production of fissile material for nuclear weapons or other nuclear explosive devices. The EU welcomes the fact that four nuclear-weapon States have decreed such a moratorium.

The EU also calls on all States concerned to dismantle, in a transparent manner, their capacities dedicated to the production of fissile material for nuclear weapons. The dismantlement of such production capacities is a strong signal of irreversible renunciation of such production. In this respect, the EU welcomes the ongoing dismantlement by France of the Pierrelatte and Marcoule facilities, as well as the recent visits organized for Conference on Disarmament member States and for non-governmental experts to these facilities, which constitute an important transparency measure. The EU would welcome any such decision by other States.

A new momentum on starting FMCT negotiations is developing. We call on all parties to make these negotiations possible. Therefore, States parties participating in the Third Preparatory Committee for the 2010 Review Conference are invited to recognize the relevance of the negotiation and early entry into force of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices as an instrument of nuclear disarmament, in accordance with article VI of the NPT. The Third Preparatory Committee is invited to endorse this relevance in its recommendations to the Review Conference. States parties to the NPT that are members of the Conference on Disarmament are urged to assume their responsibility and support the start of negotiations on such a treaty in the Conference on Disarmament without preconditions.

The EU will keep its position concerning an FMCT under constant review, taking into account in particular developments in the NPT and Conference on Disarmament contexts.